

**New Hartford Planning and Zoning Commission  
TOWN OF NEW HARTFORD, CONNECTICUT  
REGULAR MEETING MINUTES  
Wednesday, July 11, 2018 at 7:00 PM  
New Hartford Town Hall  
530 Main Street, New Hartford, Connecticut**

**PRESENT:** Ted Stoutenberg, Dan LaPlante, Dave Krimmel, Bob Moore, and James Steadman, Alternate Tom McLoughlin and Marty Post (7:13PM), Zoning Enforcement Officer Ruth Mulcahy and First Selectman Dan Jerram.

**ABSENT:** Alternates Marty Post and Peter Ventre.

Chairman Ted Stoutenberg called the meeting to order at 7:00PM.

**MOTION:** Mr. Steadman, Mr. Moore second, to modify the Agenda to add under New Business: *Town of New Hartford Site Plan Application: Farmers Market and 170 Main Street Site Plan Modification: Expiration of Time; Accept 65-Day Extension*; unanimously approved.

**1. PUBLIC HEARINGS:**

**A. The Bakersville Mall, LLC – Map 014 – Block 003 Lot 023 – 1165 Litchfield Tpke. – Special Exception – Pizza Restaurant.**

The legal notice for the public hearing was read into the record with it being noted that it was published the requisite two times, June 29, 2018 and July 6, 2018, in The Hartford Courant. The green cards from the abutting property owners, evidencing that the notice had been received, were submitted.

Jeff Radwick appeared before the Commission regarding this application. Mr. Radwick submitted an A2 survey. He explained that approval was being sought for a change of use from retail to a high turnover restaurant for take-out/delivery pizza with zero seating. He noted that his site plan was revised from approximately twenty months ago at which time he received approval for an addition to the building. Mr. Radwick indicated that this addition has not yet been completed.

Mr. Radwick confirmed that the required parking at the site has changed but is adequate for the proposed change of use.

The hearing was open to the public for comment.

Mark Russo of 745 Town Hill Road, identifying as the Chairman of the Economic Development Commission, spoke in support of proposal and read a letter from that commission urging approval of the application.

Mr. Stoutenberg reported having received an email from resident Tom Buzzi in support of the application.

Mr. Jerram also spoke in favor of the application, opining that the application was seemingly non-controversial and reminded the Commission that there were no changes to the outside of the building as part of this proposal.

Donna LaPlante of 77 Steadman Road spoke in favor of the application, noting the south end of town as having very few commercial businesses.

**MOTION:** Mr. Steadman, Mr. Krimmel second, to close the public hearing; unanimously approved.

**B. PNL Nutmeg, LLC – Map 044 – Block 013 – Lot 17A – 283 Main Street – Special Exception – 25% Parking Reduction, Change of Use to Expand the Self-Storage and a Modification of the Site Plan to Show the Pre-Existing Non-Conforming Parking on the Site.**

The legal notice for the public hearing was read into the record with it being noted that it was published the requisite two times, June 29, 2018 and July 6, 2018, in The Hartford Courant.

Dan Levitan appeared before the Commission regarding this application. Mr. Levitan submitted and reviewed an ALTA/NPS land title survey prepared by Meehan & Goodin Engineers – Surveyors, P.C. with an office address of 387 North Main Street in Manchester, Connecticut. The survey was entitled, “Plan Prepared for PNL Nutmeg, LLC 283 Main Street (U.S. Route 44)” and was dated March 13, 2017, with a site revision update on April 23, 2018, No Land Record Research of Zoning Verification Included Client Comments revision on May 2, 2018, and New Striping revision on June 11, 2018.

Mr. Levitan noted that the site plan depicted 270 parking spaces around the building. He noted that the lot had previously contained 202 parking spaces but that 68 had recently been added. Mr. Levitan reported that a site visit by the Town Engineer had calculated the number of required parking spaces at 274 required, provided approval was granted for a Special Permit Reduction of 25%. The 274 parking spaces include 267 regular spots plus 7 handicap spots. He noted that the four spots that the lot is short can be added fairly easily as can an updated site plan to include them. Mr. Levitan explained that paving is scheduled for the west side of the property to begin in the next couple of weeks. He noted that striping will be corrected at that time including three spots near the Collinsville Antiques entrance to widen handicap spots in that area. Mr. Levitan noted that the handicap signs will also be added at that time, too.

Mr. Levitan reported that the parking lot is seldom full thereby justifying the request for a 25% permanent reduction to the required parking pursuant to the Zoning Regulations. Additionally, Mr. Levitan provided Commissioners with a table entitled *Waring Park Tenant Hours of Operation*. The table included information relative to every tenant in the building, detailing their hours of operation for all seven days of the week. The square footage occupied by each tenant was included. The table also included the pro rata parking required for each tenant, a calculation based on classification of use. He noted that three tenants, Collinsville Antiques, Northwest Gymnastics, and Brewery Legitimus, account for 75% of the parking required despite only occupying 20% of the building space.

Mr. Levitan explained that approval was also being sought to widen the existing twelve (12') foot paved driveway area on the west end of the property to eighteen (18') feet. He explained that this widening would include going beyond the 25' setback area.

Mr. Levitan described the proposal to expand the one remaining shell condition retail space in the center of the building, beyond the existing office. He explained that it will include a bathroom and storage area as well as nineteen additional storage units. Mr. Levitan explained that this proposal would not result in an impact on the parking requirement.

Addressing signage at the site, Mr. Levitan distributed a Waring Park – Sign Inventory, dated July 11, 2018, which included mounted and free-standing signs. He noted that only one tenant, Collinsville Antiques, exceeded the code. He noted that approval was being sought for the two

free-standing signs, providing for 90 square feet, as well as a Special Exception for the Collinsville Antique sign.

Mr. Levitan noted that his electrician, Craig Maiolo, conducted an inventory of the lights at the site and determined whether they were full cut-off. Mr. Maiolo reported that there were ten lights that work but were not full cut-off and there were an additional four lights that worked but were also not in compliance. Mr. Levitan agreed these lights would be replaced. The lights at the patio of the brewery were also discussed. It was noted that these Christmas-type string lights were discussed when they sought their patio approval and were expressly told that they were not allowed. It was noted that those lights at the brewery should be removed.

Mr. Stoutenberg read aloud the review comments contained in a letter addressed to Ms. Mulcahy, dated June 29, 2018, from the Town Engineer, Todd Parsons, PE, of Lenard Engineering.

The discrepancies in the building square footage were explained by Mr. Levitan. It was noted that the patio was not included as part of the calculations for the parking but the façade, the general hallways, and non-viable commercial space was deducted. Mr. Stoutenberg questioned what the intentions are for the self-storage area and whether there are plans for future expansion of the retail use. Mr. Levitan acknowledged that the storage is not the highest, best-use of the building space and that ideally, he would like to find an industrial tenant.

Ms. Mulcahy pointed out that the review of the parking should note that the existing parking ought to be discussed in the context in that it is pre-existing, non-conforming and noted that the lots do not include islands.

Mr. Stoutenberg questioned the arrangement that is in place between the owner and Collinsville Antiques relative to parking. Mr. Levitan explained that Collinsville Antiques has 50 spaces reserved pursuant to the lease agreement not exceeding the 66 spaces required with a 25% reduction. Ms. Mulcahy explained that with an approval for a reduction in the required parking, all of the parking spaces counted in the calculated figures is supposed to be shared.

*A permanent parking reduction as opposed to a temporary installation deferral* were reviewed and discussed.

Ms. Mulcahy relayed to Mr. Levitan concerns that had been brought up to this Commission relative to the parking of the U-Haul trucks at the site. It was noted that the designated location of where these trucks can be parked should be noted on the site plan.

The hearing was open to the public for comment.

Anthony Truss of 1 Turkey Hollow, explaining that his home abuts the patio area of the brewery, read aloud a letter citing concerns with the special permit requests. Mr. Truss noted the increase in pedestrian traffic wandering onto his property after the installation of the patio. He shared examples of patrons coming into or near his yard with a pit bull while his young children were outside playing and noted how often intoxicated customers were seen urinating on the side of the lot facing his home. Mr. Truss requested that the Town follow up on the unshielded lights, the prohibited patio lights and some type of fence along the property line.

Mr. Stoutenberg read aloud a letter from Ramona Parker & Associates who represent Collinsville Antiques objecting to the application. The letter cited the lack of a permit from the Connecticut Department of Transportation Office of the State Traffic Administration permit

pursuant to CGS§14-312(1). Additionally the letter cited the exclusive lease of fifty parking spaces by the Collinsville Antique Center.

Donna LaPlante of 77 Steadman Road spoke in favor of the application, noting that the Waring Plant was not originally built for its current uses but opined that the parking spaces at the site are close enough. commend marketing efforts

John McCormick of 50 Burdick Road and also identifying as an employee with CRBE who is marketing the leasing with the location spoke in favor of the application, citing the capital improvements and investments into this site.

Mr. Jerram also spoke in favor of the application, praising the investment into the site, opining that the self-storage at this location is really not controversial. He explained how many folks who store items rent space and visit very infrequently. Mr. Jerram noted that the parking requirement in theory presumes that customers would be there every day. He agreed that some type of buffer between the brewery and the residential neighborhood ought to be installed after agreement between all the parties involved.

Mr. McLoughlin read aloud the second page of the Ramon Parker & Associates letter that had not been previously read.

Brent Lafferty of 19 Carlton Road in Harwinton, Connecticut and identified as the contractor who will complete the paving work at the site addressed the work that had already been completed. In response to inquiry regarding the new catch basin and associated piping recently installed, Mr. Lafferty explained what was already there was merely replaced.

Doug Sidlow of Collinsville Antiques questioned whether his sign was grandfathered. It was confirmed that it was. Mr. Sidlow also questioned the notion of the hours of operation of business reported as part of the parking reduction approval being sought, and whether the Town or his landlord could dictate changes businesses might make to their hours of operation. Mr. Sidlow also pointed out that the area of land that could be used for parking should the Special Permit not be granted is currently being marketed for sale. He questioned how the sale of that land could affect the site if in the future, new businesses occupy the building requiring more parking than the current storage business. Mr. Sidlow also opposed the applicant's request to locate the handicapped parking in another area of the lot rather than closest to the entrances.

Mr. Stoutenberg explained that the requirements relative to handicapped parking are those established at the federal level and that this Commission has no jurisdiction in terms of granting exceptions or modifications.

The Commission grappled with whether to seek a 65-day continuance from the applicant or to deny, without prejudice, the application. They also reviewed with Mr. Levitan whether the parking reduction should be permanent or temporary.

Consensus of the Commission was that a fence was need for Assessor Lots 1, 28, 29, 30, 31, and 32 to allow the fence to end past the patio area of the brewery. There was also agreement to allow the expanded driveway provided that the monitoring wells are exposed or preserved.

**MOTION:** Mr. Stoutenberg, Mr. Steaman second, to the close the public hearing; unanimously approved.

A recess was taken at 9:15PM. The meeting resumed at 9:19PM.

## **2. PENDING APPLICATIONS:**

### **A. The Bakersville Mall, LLC – Map 014 – Block 003 Lot 023 – 1165 Litchfield Tpke. – Special Exception – Pizza Restaurant.**

**MOTION:** Mr. Steadman, Mr. Stoutenberg second, to find the following:

WHEREAS the New Hartford Planning and Zoning Commission received an application for a Special Exception for a high turnover restaurant in 745 square feet in a former package store space in an existing commercial building for Bakersville Mall, LLC located at 1165 Litchfield Turnpike, New Hartford in a B-1 Business District which included an application, and a Site Plan prepared by Berkshire Engineering & Surveying, LLC, 143 Bantam Lake Road, Bantam, Connecticut and Building Elevations and Floor Plans A-1 and

WHEREAS, the Commission held a public hearing on July 11, 2018:

IT IS THEREFORE RESOLVED that the New Hartford Planning and Zoning Commission approves the Special Exception application for a high turnover restaurant in 745 square feet in a former package store space in an existing commercial building for Bakersville Mall, LLC located at 1165 Litchfield Turnpike, New Hartford in a B-Business District subject to the following conditions:

1. All lights on the property shall be full cut-off with no light trespass, in accordance with Article 6 Section 6.4. The existing lights on the property shall be changed to comply with the regulations before a zoning permit is issued for the addition. All lights on the property shall be turned off after 8:00PM or when business closes.
2. All signs on the property shall comply with Section 6.3 Signs of the Town of New Hartford Zoning Regulations and Section 6.4 Outdoor Lighting;

*Motion approved with Mr. Steadman, Mr. Stoutenberg, Mr. LaPlante, and Mr. Moore voting aye while Mr. Krimmel was opposed.*

The agenda was modified to take up the new applications, *Town of New Hartford Site Plan Application: Farmers Market* and *170 Main Street Site Plan Modification: Expiration of Time; Accept 65-Day Extension*, ahead of *PNL Nutmeg, LLC*.

## **3. NEW BUSINESS:**

### **A. Town of New Hartford Site Plan Application: Farmers Market.**

The Commission reviewed a drawing depicting a proposed farmers market behind Town Hall in the area of the pavilion. Mr. Jerram confirmed that the market will take place every Friday through the end of August. He noted that four or five vendors will be at the market in the grassy area along with live music at the pavilion, with people gathering on the grass nearby. Parking will be behind Town Hall.

**MOTION:** Mr. Moore, Mr. LaPlante second, to approve the Town of New Hartford Site Plan application for a farmers market; *unanimously approved*.

### **B. 170 Main Street Site Plan Modification: Expiration of Time; Accept 65-Day Extension.**

Ms. Mulcahy explained that Jack Casey has requested a 65-day extension for site plan modification at his canoe business located at 170 Main Street.

**MOTION:** Mr. Steadman, Mr. Moore second, to grant a 65-day extension to Jack Casey's application at 170 Main Street; *unanimously approved*.

**4. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:**

**A. Food Truck Regulations.**

No business discussed.

**B. Mixed Use Regulations.**

No business discussed.

**5. APPROVAL OF MINUTES – June 27, 2018:**

**MOTION:** Mr. LaPlante, Mr. Steadman second, to approve the June 27, 2018 Minutes as amended; unanimously approved.

**6. ZONING ENFORCEMENT OFFICER'S REPORT:**

None.

**7. CORRESPONDENCE:**

None.

**8. CONTINUATION OF PENDING APPLICATIONS:**

**B. PNL Nutmeg, LLC – Map 044 – Block 013 – Lot 17A – 283 Main Street – Special Exception – 25% Parking Reduction, Change of Use to Expand the Self-Storage and a Modification of the Site Plan to Show the Pre-Existing Non-Conforming Parking on the Site.**

**MOTION:** Mr. Steadman, Mr. Stoutenberg second, to find the following:

WHEREAS, the New Hartford Planning and Zoning Commission received an application for a Special Exception for a 25% parking reduction, change of use to expand the self-storage, site plan modifications along the west side,

WHEREAS, the Commission held a public hearing on July 11, 2018:

IT IS THEREFORE RESOLVED that the New Hartford Planning and Zoning Commission approves the Special Exception application for a 25% parking reduction, change of use to expand the self-storage, site plan modifications along the west side subject to the following:  
Pre-existing non-conforming

1. Eight (8') foot wooden stockade fence to be installed in the side yard setback abutting Lots 1, 28, 29, 30, 31 and 32, before a zoning permit is issued for the change of use for the self-storage. Fence to be installed on site plan along the side yard setback before a zoning permit is issued for self-storage.
2. No removal of any trees with the widening.
3. Permission is granted to widen the west end driveway from twelve (12') feet to eighteen (18') feet and raise the level of the active monitoring wells to the surface of the new pavement.
4. No parking of any vehicles, including the food trucks, on driveway.
5. Change of use for expansion of self-storage in accordance with the drawing, "Proposed Floor Plan".
6. Modification of site plan shall show all handicap parking spaces in compliance with ADA requirements. These changes shall be made before any final sign-off of the site plan.
7. Parking may be reduced by 25% in accordance with Section 6.2., E.3. Permanent Shared Use based on current uses.
8. Final site map shall show UHaul and self-storage vehicles in current marked location on side of building and not in the front.
9. State traffic commission approval to be submitted.

10. These changes to be made before any final sign-off of the Site Plan.
11. All lights shall be full cut-off in accordance Article 6, Section 6.4 and shall be installed immediately including removal of non-conforming lighting at the brewery, before final approval of the site plan.
12. All signs comply with sign regulations. Any current violation shall be removed.
13. All stormwater drainage shall be shown on final site plan with topography.
14. Final site plan shall be submitted to the Commission showing all improvements and the conditions of approval and filed on the Town Land Records after signature by the chairman.
15. Total parking places shown shall be 274, including the 7 handicap parking spaces, 2 of which are van spaces. Said 274 parking spaces include several pre-existing, non-conforming spots lacking islands;

*unanimously approved.*

Mr. Stoutenberg reported that Mr. Moore has sold his home and will most likely have moved before the next regular meeting in September. He recognized Mr. Moore's service and the Commission wished Mr. Moore well.

**MOTION:** Mr. McLoughlin, Mr. Mr. Steadman second, to adjourn at 10:00PM; unanimously approved.

**Respectfully submitted,**

**Pamela A. Colombie  
Recording Secretary**